

**In re: JEREMY SCHWEIGERT.**  
**P.Q. Docket No. 01-0004.**  
**Decision Without Hearing By Reason Of Default.**  
**Filed January 22, 2002.**

**PQ – Default – Failure to answer.**

James Holt, for Complainant.

Respondent, Pro se.

*Decision and Order issued by James W. Hunt, Administrative Law Judge.*

This is an administrator proceeding for the assessment of a civil penalty for a violation of the Act of February 2, 1903, as amended (21 U.S.C. § 11), and regulations promulgated thereunder (9 C.F.R. § 94.11). This proceeding was instituted by a complaint filed on December 6, 2000, by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture. Pursuant to an Order filed on March 23, 2001, I extended the time for Respondent to file an answer to the complaint until June 15, 2001. Respondent has not filed an answer to date. Thereafter, Complainant filed a motion for default decision which was served on Respondent on October 31, 2001. Respondent did not file timely objections to the motion.

Pursuant to section 1.136(c) of the Uniform Rules of Practice (7 C.F.R. § 1.136(c)), failure to respond to the allegations in the complaint constitutes, for the purposes of this proceeding, an admission of said allegations. Therefore, by his failure to answer, Respondent is deemed to have admitted the allegations of the complaint.

Accordingly, the material allegations alleged in the complaint are adopted and set forth herein as the Findings of Fact, and this Decision is issued pursuant to section 1.139 of the rules of practice applicable to this proceeding. (7 C.F.R. § 1.139).

#### **Findings of Fact**

1. The mailing address of Jeremy Schweigert, Respondent, is HHC 1-77 AR, Unit B6007, APO AE 09226. Respondent was served with a copy of Complainant's motion for default decision at "Department of Army, Headquarters Company, 1st Battalion, 8th Calvary, Fort Hood, TX 76545."

2. On March 10, 2000, at the Dallas/Fort Worth International Airport, Texas, Respondent imported one can of Kalbs-Leberwurst, a meat derived from Ruminant and swine, into the United States from Germany.

#### **Conclusion**

By reason of the facts contained in the Findings of Fact above, Respondent has violated 9 C.F.R. § 94.11.

Therefore, the following Order is issued.

### **Order**

Respondent is assessed a civil penalty of five hundred dollars (\$500.00). Respondent shall send a certified check or money order for five hundred (\$500.00), payable to "Treasurer of the United States," to USDA, APHIS, Accounts Receivable, P.O. Box 3334, Minneapolis, Minnesota 55403, within thirty days (30) from the effective date of this Order. The certified check or money order should include the docket number of this proceeding. The Hearing Clerk is directed to send a copy of this Order to both addresses for Respondent as set forth in paragraph one of the Findings of Fact.

This Order shall have the same force and effect as if entered after a full hearing and shall be final and effective thirty five (35) days after service of this Decision and Order upon Respondent, unless there is an appeal to the Judicial Officer pursuant to section 1.145 of the rules of practice applicable to this proceeding (7 C.F.R. § 1.145).

[This Decision and Order became final April 11, 2002.-Editor].

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